REMARKS

The following remarks are made in response to the Final Office Action mailed February 12, 2008. Claims 1-49 are pending of which claims 7-3- and 42-49 have been withdrawn. Claims 1-6, 31-34, and 36-41 have been rejected. Claim 35 has been objected to. With this Response, claims1, and 39-41 has been cancelled without prejudice and claims 2 and 6 have been amended. Claims 2-38, and 42-47 remain pending in the application and are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 103(a)

Claims 2-6, 31-34, and 36-38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,023,667 to Negoro et al. ("Negoro") in view of U.S. Patent No. 5,419,780 to Suski ("Suski") and U.S. Patent No. 4,072,825 to McLay et al. ("McLay").

Applicant respectfully submits that neither Negoro nor Suski, either alone or in combination, teach or suggest the present invention as recited by independent claim 2.

Negoro describes a laser printer includes a fixing unit 8 comprising a fixing roller pair 81 consisting of a heat roller 81A and a backup roller 81B (Col. 6, lines 52-53)… The laser printer further includes a gear motor 10 driven to operate a cam 83 to cause a backup roller 81B to press against a heat roller 81A when in a fixing operative position (i.e. when the laser printer is printing) and driven to operate cam 83 to cause backup roller 81B to move apart from heat roller 81A when the laser printer is in a "print stand-by state" (Col. 7, Lines 17-35; Col. 8, Lines 19-32, Abstract, and Figures 2 and 3). Negoro makes no mention of any source for powering gear motor 10, let alone **a thermoelectric generator thermally coupled to a fuser assembly and configured to convert heat from the fuser assembly to an electrical energy, and a motor using the electrical energy from the thermoelectric generator to separate a pair of platen rollers**, as recited by claim 2. Negoro describes only that backup roller 81A is moved apart from heat roller 81B when the printer is in a print stand-by state.

The Office Action acknowledges that Negoro fails to teach a thermoelectric generator thermally coupled to a fuser assembly and configured to convert heat from the fuser assembly to an electrical energy and using the electrical energy to drive a motor to separate a pair of platen rollers, but asserts that such limitations are obvious in view of Suski.

Suski describes a thermoelectric generator 50 (e.g. a peltier device) coupled to and configured to convert heat from a semiconductor device 12 to electrical energy which powers a fan 70 to draw heated air away from semiconductor 12 (Abstract, Figures 3-5). Suski discloses only a thermal electric generator to convert heat from a semiconductor device to electrical energy and using the electrical energy to power a fan to cool the semiconductor device. As such, Suski fails to teach or suggest **a thermoelectric generator thermally coupled to a fuser assembly and configured to convert heat from the fuser assembly to an electrical energy, and a motor using the electrical energy from the thermoelectric generator to separate a pair of platen rollers**, as recited by claim 2.

In view of the above, since neither Negoro nor Suski teach or suggest **a thermoelectric generator thermally coupled to and configured to convert heat from a fuser assembly to an electrical energy, and a motor using the electrical energy to separate a pair of platen rollers**, Applicant respectfully submits that the teachings of Negoro cannot be combined with those of Suski to teach or suggest the present invention as recited by claim 2. As such, Applicant respectfully requests that the rejection of claim 2 under 35 U.S.C. § 103(a) over Negoro in view of Suski be withdrawn and that claim 2 be allowed.

With respect of claim 3, in addition to depending from claim 2, which Applicants believes to be in allowable form, Applicant further submits that neither Negoro, Suski, nor McLay, either alone or in combination, teach or suggest the present invention as recited by claim 3. Claim 3, in addition to the above described limitations of claim 2, includes the further limitations of **a controller configured to monitor a normal energy source and to separate the pair of platen rollers using the electrical energy provided by the thermoelectric generator in response to the normal energy source having a level less than or equal to a threshold level**.

Negoro makes no mention of any source for powering gear motor 10, let alone being powered by **a normal energy source and by an electrical energy provided by a thermoelectric generator in response to the normal energy source having a level less than or equal to a threshold level**. Suski discloses employing electrical energy from thermoelectric generator 50 to power fan 70.

Suski does not teach or suggest powering fan 70 fan with **a normal energy source and with electrical energy from the thermoelectric generator in response to the normal energy source having a level less than or equal to a threshold level**. In fact, Suski teaches that the primary advantage of using thermoelectric energy converted by thermoelectric generator 50 from heat generated by semiconductor device 12 to power fan 70 is that the fan is not powered by a normal power source (e.g. batteries of a laptop computer) and, thus, does not increase power consumption of the computer system (Col. 4, Lines 29-57). As such, Suski teaches away from the present invention as described by the limitations of claim 3.

McLay describes a control system for monitoring and controlling a plurality of different parameters such parameters within hotels/motels including control room message waiting indicators, placing wake-up calls, and tracking housekeeping, for example (see Abstract). A threshold detector 212 provides an interrupt output signal whenever the power supply voltage falls below a predetermined minimum threshold level so as to cause battery reserve circuits 55 to be operative and maintain energization of RAM network 35 (Col. 61, lines 38-43, and Col. 62, lines 8-10). McClay described only using battery reserve circuit 55 as an alternate to the power supply voltage, and makes no teaching or suggestion of employing **electrical energy provided by a thermoelectric generator in response to the normal energy source having a level less than or equal to a threshold level**.

In view of the above, Applicant respectfully submits that neither Negoro, Suski, nor McLay, either alone or in combination, teach or suggest the present invention as recited by claim 3. As such, Applicant respectfully requests that the rejection of claim 3 under 35 U.S.C. § 103(a) over Negoro in view of Suski and in view of McLay be withdrawn and that claim 3 be allowed.

Independent claim 31 includes limitations similar to those described above with respect to claim 3. As such, for reasons similar to those described above with respect to independent claim 2 and dependent claim 3, Applicant submits that independent claim 31 is also allowable over the art of records. Accordingly, Applicant respectfully requests that the rejection of independent claim 31 under 35 U.S.C. § 103(a) over Negoro in view of Suski and in view of McLay be withdrawn and that independent claim 31 be allowed.

Dependent claims 4-6 depend either directly or indirectly from and further define patentably distinct independent claim 2, and dependent claims 32-34 and 36-38 depend either directly or indirectly from patentably distinct independent claim 31. As such, Applicant respectfully requests that the rejection of dependent claims 4-6, 32-34, and 36-38 under 35 U.S.C. § 103(a) over Negoro in view of Suski and in view of McLay be withdrawn and that dependent claims 4-6, 32-34, and 36-38 be allowed as well.

Allowable Subject Matter

Claim 35 was objected to for being dependent upon a rejected base claim, but as being allowable if rewritten in independent form including all limitations of the base claim and any intervening claims.

While not necessarily agreeing or disagreeing with the Examiner's reasoning, claim 35 has been rewritten in independent form including all limitations of the base claim and any intervening claims. Accordingly, Applicant submits that claim 35 is in form for allowance over the art of record and respectfully requests that claim 35 be allowed.

CONCLUSION

In view of the above, Applicant respectfully submits that pending claims 2-6 and 31-38 are in form for allowance and are not taught or suggested by the cited references. Therefore, reconsideration and withdrawal of the rejections and allowance of claims 2-6 and 31-38 is respectfully requested.

Applicants hereby authorize the Commissioner for Patents to charge Deposit Account No. 08-2025 the amount of $210.00 to cover fees as set forth under 37 C.F.R. 1.16(h)(i).The Examiner is invited to contact the Applicant's representative at the below-listed telephone numbers to facilitate prosecution of this application.

Any inquiry regarding this Amendment and Response should be directed to either Robert D. Wasson at Telephone No. (360) 212-2338, Facsimile No. (360) 212-3060 or Steven E. Dicke at Telephone No. (612) 573-2002, Facsimile No. (612) 573-2005. In addition, all correspondence should continue to be directed to the following address:

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Respectfully submitted,

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